UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,998	10/21/1999	DANIEL W. HEPNER	10990763-1	6218

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EXAMINER
PHAM, HUNG Q

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 01/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/422,998	HEPNER ET AL.
	Examiner	Art Unit
	HUNG Q PHAM	2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the

subject matter of the various claims was commonly owned at the time any inventions

covered therein were made absent any evidence to the contrary. Applicant is advised

of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in

order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3.   Claims 1-5, 11, 13, 16, 18-20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Miyachi [6,108,492].

Regarding to claims 1 and 13, Miyachi teaches a method and a computer

program product for reporting existence of a specified condition in a system attribute

(see Abstract; Fig.4, col. 9, lines 34-47) comprises: "receiving a request from a client to

notify said client of a condition of an attribute of a system, wherein said request

comprises information specifying a query for said system attribute (see col. 9, lines 48-

65); querying said system as specified by said request (see Fig. 5, col. 9, lines 39-41)";

and notifying the client of the existence of said condition (see col. 10, lines 44-46),

except the step of "deriving data about said system attribute to determine if said

condition exists". However, according to Miyachi, the client may be notified of any of the

status conditions or the entire database (see col. 9, lines 44-46), this implies the step of

deriving data of system attribute to determine the condition exists. Therefore, it would

have been obvious for one of ordinary skill in the art at the time the invention was made

to include the step of deriving data and determining the existence of a predefined

condition into the Miyachi method in order to prevent a nonexistence condition if a

mistake was made in the step of querying.

Regarding to claim 2, Miyachi teaches all the claimed subject matters as

discussed in claim 1 but fails to disclose the step of: "generating derived data based

upon the result of said query of said system". However, according to Miyachi, the client

may be notified of any of the status conditions or the entire database after the step of

status condition selection (see col. 9, lines 39-46), this implies the step of generating

derived data based on the result of selection step. Therefore, it would have been

obvious for one of ordinary skill in the art at the time the invention was made to include

the step of generating data based on the result of querying in order to display the result

in a predefined format.

Regarding to claims 3 and 16, Miyachi teaches all the claimed subject matters as

discussed in claims 1, 13 and further discloses: "condition is a change in said attribute

(see col. 9, lines 55-65)".

Regarding to claim 4, Miyachi teaches all the claimed subject matters as

discussed in claim 1 and further discloses: the attribute is selected from the group of

status of peripheral device, access to local peripherals (see col. 5, line 57-col. 8, line

60). Miyachi fails to disclose the attribute is selected from the group of: membership of

nodes within a cluster, configuration of a cluster, failure of computer hardware, addition

of shared peripherals, removal of shared peripherals, ownership of a shared peripheral,

availability of shared peripherals for addition to a cluster, resilience to faults of a High

Availability cluster, performance potential of a cluster, and any combination thereof.

However, Miyachi discloses the background of the invention as a local area network

(LAN), which linked one or more peripheral devices such as printers, facsimile

machines, scanners or plotters and typically, the status of a device (see col. 9, lines 10-

24). Thus, the Miyachi status tables as in col. 6-8 can be modified to have the condition

state of a node if a user wants to know the condition of a node within a cluster or the

configuration of a cluster and even the condition to indicate the failure of computer

hardware, addition of shared peripherals, removal of shared peripheral, ownership of a

shared peripheral, availability of shared peripherals for addition to a cluster, resilience to

faults of a High Availability cluster, performance potential of a cluster. Therefore, it

would have been obvious for one of ordinary skill in the art at the time the invention was

made to modify the Miyachi status table in order to query the condition of a network's

device especially the condition about the status of a node within a cluster when a new

node is added or deleted from the system.

Regarding to claim 5, Miyachi teaches all the claimed subject matters as discussed in claim 1 but fails to disclose: "client is selected from the group consisting of a user and a client application program". However, Miyachi teaches the method allows a technician to select the number of the status condition to monitor after the program has been loaded (see col. 9, lines 39-41). This implies a user from the group of a user and a client application program. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to include the step of selection of client from the group of a user and a client application program into the Miyachi method in order to distinguish the client with the server in a network.

Regarding to claim 11, Miyachi teaches all the claimed subject matters as discussed in claim 1 but fails to disclose: "client is a graphical user interface (GUI) that displays information to a human user". However, Miyachi teaches the client may be notified of any of the status conditions or the entire database (see col. 9, lines 44-47), this implies a graphical user interface that displays information to a human user. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Miyachi method to have a graphical user interface in other to display information to a human user.

Regarding to claim 18, Miyachi teaches a system for reporting existence of a specified condition in a system attribute (see Abstract; Fig.4, col. 9, lines 34-47) comprises:

"means for storing a reporting application (see Fig. 2, col. 5, lines 33-40)";

"a means for executing said reporting application (see Fig. 2, col. 5, lines 33-35)";

"wherein said reporting application includes computer executable software code

for receiving from a client a request to notify said client of a condition of an attribute of a

system, said request comprising information specifying a query for said system attribute

(see col. 9, lines 48-65), computer executable software code for notifying said client of

the existence of said condition (see col. 10, lines 44-46)", except the step of determining

if a condition exist. However, according to Miyachi, the client may be notified of any of

the status conditions or the entire database (see col. 9, lines 44-46), this implies the

step of determining the condition exists for notification. Therefore, it would have been

obvious for one of ordinary skill in the art at the time the invention was made to include

the step of determining the existence of a predefined condition into the Miyachi system

in order to prevent a nonexistence condition if a mistake was made in the step of

querying.

Regarding to claim 19, Miyachi teaches all the claimed subject matters as

discussed in claim 18 but fails to disclose: "client is selected from the group consisting

of a user and a client application program". However, Miyachi teaches the system

allows a technician to select the number of the status condition to monitor after the

program has been loaded (see col. 9, lines 39-41). This implies a user from the group of

a user and a client application program. Therefore, it would have been obvious for one

of ordinary skill in the art at the time the invention was made to include the step of

selection of client from the group of a user and a client application program into the

Miyachi system in order to distinguish the client with the server in a network.

Regarding to claim 20, Miyachi teaches all the claimed subject matters as discussed in claim 18 and further discloses the system comprises: "multiple nodes, wherein at least one of said nodes is executing said reporting application (see Fig. 1-2, col. 4-5)".

4.   Claims 6-10, 12, 14-15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyachi [USP 6,108,492] in view of Sybase [Transact-SQL User's Guide, Copyright 1996].

Regarding to claims 6 and 14, Miyachi teaches all the claimed subject matters as discussed in claims 1, 13 and further disclose: the status information are stored in a database and a client (a technician) may select some or all of the information for a predefined trigger condition (see col. 3, line 60-col. 4, line 5; Fig. 4, col. 9, lines 34-47), but fails to teach that: "information specifying a query for said system attribute is an SQL query". Sybase teaches SQL as a high-level language for relational database systems and using query as a request for retrieval of data by using the select command (see Chapter 1: Introduction, Overview and Queries, Data Modification, and Commands). Thus, the program that is loaded to step 410 of Miyachi method (see Fig. 4, col. 9, lines 34-47) can use SQL as a language for storing status information into the database and the query for system attribute will be a SQL query by using select command. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Miyachi program at step 410 by using SQL as a high level language to write the program in order to have a relational database and to select a status information by an SQL query.

Regarding to claims 7 and 15, Miyachi and Sybase teach all the claimed subject

matters as discussed in claims 6, 14 and Sybase further discloses: "SQL query

comprises an SQL view (see Sybase, Chapter 8, Views: Limiting access to Data,

Creating Views)".

Regarding to claim 8, Miyachi teaches all the claimed subject matters as

discussed in claim 1 and further disclose: the status information are stored in a

database and a client (a technician) may select some or all of the information for a

predefined trigger condition (see col. 3, line 60-col. 4, line 5; Fig. 4, col. 9, lines 34-47),

but fails to teach that: "information specifying a query for said system attribute

comprises multiple transactions bracketed together". Sybase teaches SQL as a high-

level language for relational database systems and using query as a request for

retrieval of data by using the select command and information specifying a query

comprises multiple transactions bracketed together (see Chapter 1: Introduction,

Overview and Queries, Data Modification, and Commands; Chapter 2: Queries:

Selecting Data From a Table, What are Queries). Thus, the program that is loaded to

step 410 of Miyachi method (see Fig. 4, col. 9, lines 34-47) can use SQL as a language

for storing status information into the database and the query for system attribute will be

an SQL query by using select command that comprises multiple transactions bracketed

together. Therefore, it would have been obvious for one of ordinary skill in the art at the

time the invention was made to modify the Miyachi program at step 410 by using SQL

as a high level language to write the program in order to have a relational database and

to select a status information by an SQL query that comprises multiple transactions

bracketed together.

Regarding to claims 9 and 17, Miyachi teaches all the claimed subject matters as

discussed in claims 1, 13 and further discloses: the status information are stored in a

database and a client (a technician) may select some or all of the information for a

predefined trigger condition (see col. 3, line 60-col. 4, line 5; Fig. 4, col. 9, lines 34-47),

except the multiple conditions are bracketed together. Sybase teaches SQL as a high-

level language for relational database systems and using query as a request for

retrieval of data by using the select command and information specifying a query

comprises multiple conditions bracketed together (see Chapter 1: Introduction,

Overview and Queries, Data Modification, and Commands; Chapter 2: Queries:

Selecting Data From a Table, What are Queries). Thus, the program that is loaded to

step 410 of Miyachi method (see Fig. 4, col. 9, lines 34-47) can use SQL as a language

for storing status information into the database and the query for system attribute will be

an SQL query by using select command that comprises multiple conditions bracketed

together. Therefore, it would have been obvious for one of ordinary skill in the art at the

time the invention was made to modify the Miyachi program at step 410 by using SQL

as a high level language to write the program in order to have a relational database and

to select a status information by an SQL query that comprises multiple conditions

bracketed together.

Regarding to claim 10, Miyachi and Sybase teach all the claimed subject matters

as discussed in claim 9, Miyachi further discloses a client (a technician) may select

particular values for a trigger notification. For example, the client will be notified when a

counter fuser reaches a particular value (see col. 9, lines 55-65). Miyachi fails to disclose

the multiple changes are bracketed together. By using SQL as a high level language,

Sybase teaches the condition that trigger a notification in "if update" clause, in which

multiple changes are bracketed together (see Chapter 14, Triggers: Enforcing Referential

Integrity, Creating Triggers). Thus, the Miyachi program can use SQL to implement the

step of trigger notification by bracketing multiple changes together and if the changes

exist, the client will be notified. Therefore, it would have been obvious for one of ordinary

skill in the art at the time the invention was made to modify the Miyachi program by using

SQL as a high level language to write the program in order to have a relational database

and to have a trigger notification when a condition comprises multiple condition

bracketed together.

Regarding to claim 12, Miyachi teaches all the claimed subject matters as

discussed in claim 11 and further discloses: GUI displays information about one or more

attributes of a system to a human user (see col. 9, lines 44-47). Miyachi fails to teach the

step of "deriving data comprises deriving data to determine if a condition of said one or

more attributes exists such that the GUI should redraw the graphics displaying said

information about said one or more attributes". Sybase teaches retrieving data through

views by using SQL, the SQL server checks to make sure that all the database objects

exist and create a view that includes all the attributes as indicate in the condition of the

query (see Chapter 8, Views, Limiting Access to Data, What are Views?, Retrieving Data

through Views). Thus, the Miyachi method can use SQL to implement the step of

condition determination and graphic redrawing to make sure the attributes exist and provide a view for these attributes. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Miyachi method by applying SQL to implement the steps of condition determination and graphic redrawing to determine if a condition of one or more attributes exists such that GUI could redraw the graphic displaying.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham
Jan 4 2002

KIM VU
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